C.S. 100 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 1975 OF 2004

BETWEEN

B.R. Soni, aged about 48 years S/o Late Shri Jagdish Prasad Soni, Sub Engineer, Janpad Panchayat Ramanujganj, District Surguja (CG).

PETITIONER

A N D

1. The State of Chhattisgarh,
Through the Principal Secretary,
Panchayat and Rural Development Department, Mantralay,
D.K.S. Building, Raipur (CG).

2. The Collector
Surguja, District Surguja (CG).
(Ambikapur).

P.R. No. 2004/04
Presented by Shri Rajesh Mishra
dated 19-7-04

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO. 1975 OF 2004

Petitioner : B.R. Soni

versus

Respondents : The State of Chhattisgarh and another

Present : None appears for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Sub Engineer, Janpad Panchayat, Ramanujganj, District-Surguja was transferred to Rural Engineering Department, Division No. 2, Ambikapur on the same terms and conditions, vide impugned transfer order dated 18-6-2004 (P-1).

2. This Court, vide interim order dated 7-10-2004, directed that the effect and operation of impugned order dated 18.6.2004 (Annexure P-1) would remain stayed until further orders.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

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pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash